

**IN THE UNITED STATES DISTRICT COURT FOR  
THE SOUTHERN DISTRICT OF WEST VIRGINIA**

**HUNTINGTON DIVISION**

ETHELBERT BROADNAX,

Plaintiff,

v.

CIVIL ACTION NO. 3:15-2460

UNITED STATES OF AMERICA,  
HUNTINGTON, WEST VIRGINIA V.A.M.C.,  
BECKLEY WEST VIRGINIA V.A.M.C.,  
WESTERN REGIONAL JAIL,  
AMY RICHMOND,  
EDDIE WILDS,  
LARRY LARGE,  
LISA Y. WEBSTER,

Defendants.

**MEMORANDUM OPINION AND ORDER**

This action was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge has submitted findings of fact and recommended that Defendants' Motion to Dismiss Amended Complaint (ECF No. 29) be granted, and Broadnax's amended complaint (ECF No. 5) be dismissed, with prejudice, with the exception of Broadnax's claim against Defendant Wilds, which should be dismissed, without prejudice. Neither party has filed objections to the Magistrate Judge's findings and recommendations.

Accordingly, the Court accepts and incorporates herein the findings and recommendation of the Magistrate Judge and **ORDERS** that Defendants' Motion to Dismiss Amended Complaint (ECF No. 29) be **GRANTED**, and Broadnax's amended complaint (ECF No. 5) be **DISMISSED**,

**with prejudice**, with the exception of Broadnax's claim against Defendant Wilds, which should be **DISMISSED, without prejudice**, consistent with the findings and recommendations.

The Court **DIRECTS** the Clerk to forward copies of this written opinion and order to all counsel of record, and any unrepresented parties.

ENTER: December 15, 2015

  
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ROBERT C. CHAMBERS, CHIEF JUDGE